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**FOOTPATH AND LAND AT ULLSWATER AVENUE**

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**Responsible Cabinet Member(s) - Councillor Nick Wallis,  
Highways and Transport Portfolio  
Councillor Don Bristow, Resource Management Portfolio**

**Responsible Director - John Buxton, Director of Development and Environment**

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**Purpose of Report**

1. To seek approval for the release of additional resources and approve the scheme, for the erection of a 2.4m high fence running parallel to both sides of the pedestrian/cycle link joining Ullswater Avenue to Railway View together with landscaping of the site and land adjacent to the footpath and Smithfield Road.

**Information and Analysis**

2. For the last couple of years residents who live close to a footpath and cycle link that was opened between Ullswater Avenue and Railway View in 2004 have complained about the amount of anti-social behaviour and crime in the locality. Local residents attribute some of this crime and anti-social behaviour to the presence of the cycle and footway and also the unsecured mounds of earth that separate Ullswater Avenue from Railway View. There have been incidents of stone throwing, broken windows and damage to outbuildings by people who have been on the mounds.
3. The mounds of earth were created when the site, which was the former Cleveland Bridge factory, was reclaimed in the mid 1990s and needed to be retained as part of the overall housing development for the land that was formerly occupied by Cleveland Bridge. Houses and gardens have been built in proximity to the mounds and the earth mounds offer the opportunity for people to stand on them and overlook the houses and gardens.
4. The vast majority of the perimeter of the mounds are fenced, either by Darlington Borough Council with security metal fencing or by the developer where the mounds are at garden boundaries. The only unsecured locations are adjacent to the footpath link between Ullswater Avenue and Railway View.
5. Following representations from local residents and Ward Members a planning application was submitted for variation of the planning permission that had been granted for the housing development. The planning permission that had been granted contained a condition requiring the construction and opening of the footpath link and cycleway and the Planning Applications Committee at its meeting on 13 April 2005 varied the permission to remove the requirement to have such a footpath link.

6. The footpath and cycleway link are highway and there are statutory procedures to be followed before any highway can be closed. During 2005 and early 2006 evidence has been collected with a view to determining how best to proceed with any applications that might ultimately result in an Order permitting the closure of the footpath application will be made shortly to the Department of the Environment Food and Rural Affairs as the next stage in the process. An application for an Order has to include details of all other steps that have been taken to eliminate crime caused by the path and fencing the mounds is considered to be an essential element of the measures that have been/will be taken by the Council.
7. Although ultimately Orders for the closure of the footpath may be granted it is not a quick process and it is by no means certain that such an Order will be granted. In the meantime to reduce the opportunity for the mounds of earth to be used by people for anti-social behaviour it is proposed to complete the fences around the mounds using high quality metal fencing painted green and to also improve the landscaping of the mounds which currently are rather bare and unattractive.
8. At the time the Capital Programme was being developed it was not anticipated that this scheme would be required but given the level of concern expressed by residents with regard to both footpath and the mounds it is now considered appropriate that the fence be erected and landscaping be improved later in the year.
9. The fence will require planning permission and an application has been submitted for the erection of the fence and it should be determined within the next four weeks. If planning permission is granted it is anticipated that the fence will be erected shortly thereafter.
10. The estimated costs of the works are:

The fence £30,300.00

The landscaping £11,600

Giving a total cost for the scheme of £41,900.

### **Financial Implications**

11. This scheme is not included in the capital programme. Cabinet is, therefore, asked to approve the release of additional resources of £41,900 to fund this scheme. If sufficient capital receipts are not available during 2006-07, this will be funded by prudential borrowing. The equivalent annual financing costs are £5,200 over 10 years.

### **Outcome of Consultation**

12. The local residents have been consulted by way of a questionnaire with regard to seeking their views on the closure of the path, landscaping the mound and erecting a fence and of those returning the questionnaire the overwhelming majority are in favour of proceeding with landscaping and erecting a fence. The majority are also in favour of the Council proceeding to make applications for necessary Orders that if granted would permit the Council to close the footpath and cycle link. The Police have been consulted and they support the proposals to improve security and they have also indicated they will support an application to DEFRA.

## **Legal Implications**

13. This report has been considered by the Legal Services Manager for legal implications in accordance with the Council's approved procedures. There are no issues which the Legal Services Manager considers need to be brought to the specific attention of Members, other than those highlighted in the report.

## **Section 17 of the Crime and Disorder Act 1998**

14. The fencing of the mounds will reduce the opportunity for anti-social behaviour and crime by people misusing the mounds.

## **Council Policy Framework**

15. The issues contained within this report do not represent change to Council policy or the Council's policy framework.

## **Decision Deadline**

16. For the purpose of the 'call-in' procedure this does not represent an urgent matter.

## **Recommendation**

17. It is recommended that:

- (a) additional resources of £41,900 be approved and released;
- (b) the scheme to complete the fencing around the mounds be approved at an estimated cost of £30,300;
- (c) the proposed improvements to the landscaping of the mounds be approved at an estimated cost of £11,600, and the works be implemented at the earliest opportunity in the next planting season;
- (d) It be noted that an application for a Designation Order is being progressed.

## **Reasons**

18. The recommendations are supported by the following reasons:

- (a) To improve the security of the mounds to reduce the likelihood of anti-social behaviour and crime from people misusing the mounds.
- (b) To improve the appearance of the mounds for the benefit of local residents.

**John Buxton**  
**Director of Development and Environment**

## **Background Papers**

No Background papers were used in the preparation of this report.